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**COUNTY OF INYO
WATER DEPARTMENT**

October 5, 2015

TO: Department of Water Resources, Division of Integrated Regional Water Management

FROM: Bob Harrington, Inyo County Water Department

SUBJECT: Comments on Sustainable Groundwater Planning Grant Program Proposal Solicitation Package and Grant Program Draft Guidelines

Thank you for the opportunity to comment on the Sustainable Groundwater Planning (SGWP) Proposal Solicitation Package (PSP) and Grant Program Draft Guidelines (Guidelines).

In Inyo County, groundwater in the Owens Valley Groundwater Basin (6-12) is largely managed through a stipulated settlement to litigation between Inyo County and the City of Los Angeles. This settlement, locally referred to as the Inyo/Los Angeles Water Agreement, arose from litigation between Inyo County and Los Angeles over matters of CEQA compliance and the groundwater regulatory authority of County governments. Although the Inyo/Los Angeles Water Agreement is not a formal adjudication of water rights, it is enforceable by the Superior Court and the Sustainable Groundwater Management Act (SGMA) provides that lands subject to the Inyo/Los Angeles Water Agreement will be treated as if they were adjudicated (CWC 10720.8 (c)). Since the Inyo/Los Angeles Water Agreement does not apply to all lands in the Owens Valley Groundwater Basin and the basin is a medium priority basin, a groundwater sustainability plan (or alternative) is apparently required for Owens Valley.

The PSP requires that *“The groundwater basin(s) addressed by the proposal must not be adjudicated”* and the Guidelines indicate that *“...SGWP funds will not be made available for projects or groundwater planning activities associated with adjudicated groundwater basins.”* It is not clear how these eligibility constraints apply in basins that are partially adjudicated. In Owens Valley and in other partially adjudicated basins, it is likely that the county or counties containing the non-adjudicated areas will be the GSA(s). The PSP and guidelines should be clarified to allow that proposals related to partially adjudicated basins are eligible for funding. GSAs in partially adjudicated basins may face special challenges aligning basin-wide GSPs with activities within the adjudicated portions of the basin (e.g., a GSA in a partially adjudicated basin will have to resolve discrepancies between the adjudication’s monitoring, water accounting, and reporting practices and the State’s guidelines and

requirements for GSPs. A county that is forming a GSA for a partially adjudicated basin should be eligible for funding.

Suggested revisions: delete the references to ineligibility of adjudicated basins in the PSP and Guidelines.

Additionally, the eligibility requirement related to GWMP compliance should recognize alternatives to GWMPs. In the case of Owens Valley, the Inyo/Los Angeles Water Agreement applies to the majority of the groundwater extraction within and operates as a viable functional equivalent to a GWMP in the region where it applies. The Guidelines should provide applicants the opportunity to self-certify that they have a management plan substantially meeting the requirements of a GWMP. Funding should be available for basins managed under such agreements.

Suggested revision to the Guidelines: in III.C, Eligibility Criteria, in the first bullet, add an additional sub-bullet stating: Their project is located in a basin managed under a plan that substantially meets the requirements of a GWMP.